

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Richard S. KUSLEIKA
SERIAL NO. : 10/825,309
FILED : April 16, 2004
FOR : CATHETER FOR TISSUE DILATION AND DRUG
DELIVERY
GROUP ART UNIT : 3763
EXAMINER : Quynh-Nhu Hoang Vu
CONFIRMATION NO. : 7747
CUSTOMER NO. : 23838

M.S. Amendment
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICANT'S STATEMENT OF SUBSTANCE OF INTERVIEW

The Applicant respectfully submits this Statement of Substance of Interview.

On February 23, 2009, the undersigned representative Douglas E. Ringel called Examiner Vu to bring to the Examiner's attention the Applicant's view that the Amendment filed January 28, 2009, should be entered because it was in response to a non-final Office Action. On February 24, 2009, Mr. Ringel spoke with Examiner Vu by telephone and pointed out that the final Office Action dated October 16, 2008, had been withdrawn and replaced by the subsequent non-final Office Action dated October 31, 2008. In view of this, Examiner Vu agreed that the Advisory Action dated February 17, 2009, would be withdrawn and the application would be examined in view of the Amendment filed January 28, 2009.

Also on February 24, 2009, Mr. Ringel spoke with Examiner Vu regarding the support in the specification for the amendment to claim 16 in the Amendment filed January 28, 2009. Mr. Ringel explained that the amendment is supported, for example, by paragraphs [0052] and [0053] of the specification and by Figures 5 and 6. These passages and figures describe and illustrate that the sheath in that embodiment is expanded while the dilatation balloon is maintained in an unexpanded condition (Fig. 5, para. [0052]) and that as a next step the balloon is thereafter expanded (Fig. 6, para. [0053]). Mr. Ringel explained that, for the support for the amendment to claim 16, these passages and figures are preferable to paragraph [0063] which was referenced in the Amendment filed January 28, 2009.

In the telephone conversations on February 24, 2009 referenced above, no prior art was discussed.

Should any questions arise, the Examiner is invited to call the undersigned at the number given below. The Commissioner is hereby authorized to charge any fees and credit any overpayments associated with this filing to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,

Dated: February 24, 2009

By: /Douglas E. Ringel/
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